IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 20 OF 2007
WITH
CIVIL APPLICATION NO. 35 OF 2007
IN
A.O. NO 20/ 2007

Shardadevi Vrindavan Mishra
(Deceased) and ors. .. Appellants.

V/s.

Virendra Ayodhyaprasad Mishra & Ors. .. Respondents.

Mr.Rajiv Patil for the Appellants.

Mr. S.A.Sawant for the Respondent No.3.

Mr.Jhangiani, Narwa & Associate for the Respondent Nos. 7 to 15.

CORAM : S. A. BOBDE, J.

DATED : 03rd JULY, 2007.

P.C. :-

. Heard.

2. Admit. Taken up for final disposal with consent of the parties.

3. Having regard to the fact that the suit has been pending since 1996 and admittedly, the appellant is co-owner, who appears to be in possession of the Survey

No. 1023 and that the evidence is being recorded in the suit, it will be appropriate in the interest of justice to grant ad-interim stay in terms of prayer clause (a) of the C.A. 35 of 2007.

4. However, it is made clear that in regard to the grass, which is already harvested, the Commissioner shall proceed to deal with the same and submit the accounts after sale to the learned trial court and deposit the amount in the trial court.

5. Since the order does not appeared to be an order for all the seasons, the Appeal will have to be disposed of. However, this order shall not influence the decision of the civil suit.

6. Hearing of the suit is expedited.

7. The Appeal with the Civil Application is disposed of accordingly.

(S.A.BOBDE,J.)

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